

Amended Minutes of the Water Pollution Control Board
Indiana Government Center South
Conference Center Room A
Indianapolis, Indiana
Wednesday, March 14, 2007

1. CALL TO ORDER

The meeting was called to order at 1:35 p.m. by Chairperson Gary Powdrill. A quorum was present.

Members present: Gary Powdrill (Chairperson); Robert Warnock; Ken Hedge; Dave Wagner; Lee Botts; Jim Flannery; Mark Legan; Steve Boyce (proxy for Lt. Gov. Becky Skillman); Howard Cundiff (proxy for Dr. Judith A. Monroe, IDOH); Jim Ray (proxy for Robert E. Carter, IDNR); Pam Fisher (proxy for Nathan J. Feltman, Sec. of Commerce); and Deborah Albright (board counsel).

Present for IDEM: Thomas Easterly, IDEM Commissioner; Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ; Stacy Jones, Regulatory Development Specialist, Drinking Water Section, OWQ; Bruce Palin, Assistant Commissioner, Office of Land Quality; and Dan Murray, Assistant Commissioner, Office of Pollution Prevention and Technical Assistance.

2. ANNOUNCEMENTS

Chairperson Powdrill had the board members introduce themselves and announce their affiliations. He later welcomed Mr. Steve Boyce, proxy for the Lt. Governor, as the replacement for Chad Frahm.

Chairperson Powdrill reminded the water board of Ted Alexander's car accident and he proceeded to read an e-mail from Tex Alexander regarding the status of his family's recovery.

3. APPROVAL OF MINUTES

Mr. Mark Legan pointed out that his name had been omitted from attendees of the December board meeting. With a voice vote, the December 13, 2006 WPCB minutes were unanimously approved as amended.

4. REPORTS

E.coli Workgroup – Mr. Bruno Pigott said that the workgroup is looking at compliance with the *E.coli* single sample maximum limitation. He added that the workgroup considered two proposals: (1) sample analysis using geometric means; or (2) a 10% exceedance within a 30 day period.

SEA 620 – Mr. Pigott recalled that the 2005 legislature required the water board to create a new rule to establish a wet weather limited use subcategory. He said that IDEM had received comments from EPA and they would soon meet to discuss them.

Combined Sewer Overflows (CSO) Policy Workgroup – Mr. Pigott stated that the workgroup was working on three issues that would develop into nonrule policy documents: the Existing Concept Use, CSO treatment facilities, and CSO-Related Bypasses. He felt that the NPDs would probably come before the board this summer.

Sulfate Rulemaking – Mr. Pigott reported that this rulemaking will change the sulfate criteria placed into 327 IAC 2-1-6 through the Fast Track rulemaking that board adopted in October 2004. Sulfate criteria will be based on the formulas developed as a result of toxicity studies by the Illinois Natural History Survey.

WW Operator Certification Rulemaking – Mr. Pigott reported that internal staff was working on rule language amendments that will be placed in the second notice.

Pretreatment Streamlining Rulemaking - Mr. Pigott indicated that internal staff was working to incorporate federal changes and focusing on those industrial users that pose the greatest impact to POTWs.

5. RULE ACTION

A. #05-233 ESP/CLEAN

Chairperson Powdrill opened the public hearing for consideration on final adoption of new rules, #05-233 Environmental Stewardship Program/ Comprehensive Local Environmental Action Network. Mr. Dan Murray spoke for the agency.

There was one commenter: Mr. Glenn Pratt, concerned citizen. Afterwards, the public hearing concluded. There was no board discussion.

A motion to adopt IDEM's suggested amendments was made and seconded. With a unanimous voice vote, the board approved the suggested changes. A motion to final adopt the proposed rules was made and seconded. With a roll call vote, the board voted unanimously for the final adoption of #05-233 ESP/CLEAN rules as amended.

B. #06-44 Drinking Water Corrections

Chairperson Powdrill opened the public hearing for consideration of preliminary adoption of amendments to rules and new rules for #06-44 Drinking Water Corrections rules. Ms. Stacy Jones spoke for the agency.

There were no commenters. There was no board discussion.

A motion was made and seconded to preliminarily adopt the draft rules. The board voted unanimously to preliminarily adopt the draft rules.

C. #06-501 CAFO Dates Extension Rulemaking

Chairperson Powdrill opened the public hearing for consideration of preliminary adoption for amendments concerning #06-501 Extension of Compliance Dates for Concentrated Animal Feeding Operations rules. Mr. Bruce Palin spoke for the agency. Board members asked for clarification to why the CAFO rulemaking was again before the board. Mr. Palin explained the agency's reasons for bringing a second CAFO rulemaking to the board.

On behalf of the board, Chairman Powdrill will write a letter to EPA expressing our concerns about the need to repeatedly adopt rules when EPA does not meet their dates for rulemaking.

There was one commenter: Mr. Glenn Pratt, concerned citizen. Afterwards, the public hearing concluded. There was a board discussion on EPA's impact upon this rulemaking. Board discussion ended.

A motion was made and seconded to preliminarily adopt the draft rules. The board voted unanimously to preliminarily adopt the draft rules.

6. PRESENTATIONS

Chairperson Powdrill announced that Water-013-NPD: Self-Disclosure & Environmental Audit Policy would not be presented at this board meeting.

IDEM/OWQ Budget Summary - Commissioner Easterly presented the OWQ FY 2008 -2009 budget. Board members had questions about the budget presentation.

Nonrule Policy Documents (NPD) Presentations – Ms. Martha Clark Mettler presented Water-011-NPD: Reasons for Denial, and Water-012-NPD: Effect of Amendments to Complete Applications on Statutory Review Deadlines. There were no questions from the board.

7. OPEN FORUM

Mr. Glenn Pratt, concerned citizen. Discussed the DNR Drought Policy and septic tank issues.

8. ADJOURNMENT

Chairperson Powdrill adjourned the WPCB meeting at 3:35 p.m.

The next WPCB meeting is scheduled for Wednesday, April 11, 2007, at Indiana Government Center South, Conference Room A at, 1:30 p.m. E.S.T.

CHAIRPERSON

These minutes were derived from Office of Water Quality Rules Section staff notes; however, this meeting was recorded by a court reporter. A typewritten transcript of the

entire meeting is on file in the Office of Water Quality, Indiana Department of Environmental Management.